

Application No. 10/627,219  
Amendment and Response dated January 13, 2006  
Reply to Office Action of October 14, 2005 [sic]

### REMARKS

Applicant has carefully reviewed the Office Action dated October 14, 2005 [sic]. Claims 1-11 remain pending in the application. Claim 1 is amended herein as set forth below. Claims 7-11 are cancelled herein. New claims 12-17 have been added to added to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended Claim 1 to correct any indefiniteness and to more clearly point out the present inventive concept. This amendment is fully supported by the original specification as noted herein. Accordingly, this rejection is respectfully traversed with respect to Claim 1, as amended.

In particular, it is asserted in the *Detailed Action* as follows:

In claim 1, there is no difference in shape when claiming a wood chip or wood particles. They are one in the same." (*Office Action*, pg. 2).

Applicant respectfully points out that difference in shape between the wood chips and wood particles is not claimed because it is not material to the claim. Rather, it is only material that the wood chips have a particular shape and size, that the wood particles have a particular size, and that there be a difference in size between the wood chips and wood particles. Each of these material requirements appears in claim 1, as amended. The required shape of the wood chips is thoroughly described in the original disclosure (see, e.g., *Specification* paragraph 0036; FIGS. 2a and 2b) as being a shape that can be characterized as having a long axis. In contrast, the wood particles are not required to have any particular shape, since they are only characterized by a largest dimension (see, e.g., *Specification*

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paragraph 0037; FIG. 3). The respective sizes of the wood chips and wood particles, and the difference in size between them is also described in the original disclosure (see, e.g., *Specification* paragraphs 0038 and 0039; FIGS. 2a, 2b, 3 and 4). Thus, Applicant believes that claim 1 is not indefinite with respect to the shapes of the wood chips and wood particles.

It is further asserted in the *Detailed Action* as follows:

The recitation of "... depositing a loose material constituting a mixture of the wood chips encapsulated in the thermoplastic polymer and the wood particles encapsulated onto a press inlet feed unit" is ambiguous. (*Office Action*, pg. 2).

In response, Applicant has amended claim 1 to make it clear that the material deposited in the third step is the same material created by the mixing of the first step. Applicant has further amended claim 1 to indicate that the loose material of the third step is formed by the non-continuous depositing of the mixture onto the press inlet feed. These amendments are fully supported by the original disclosure (see, e.g., *Specification* paragraph 0056, 0057 and 0066; FIGS. 14 and 15), thus no new matter has been added.

In view of the amendments to claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1, as amended. Since claims 2-6 depend from claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2-6.

New claims 12-17 have been added to more clearly point out the present inventive concept. New claim 12 is an independent claim, while new claims 13-17 depend therefrom. All of the new claims remain within the scope of the elected invention Group I, directed to a method of manufacturing, as restricted by the *Office Action* of October 14, 2005. The subject matter of the new claims is fully

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disclosed in the original specification and drawings, thus no new matter has been added. In particular, the original specification discloses that the mixture deposited onto the directional press unit need not necessarily be a loose material (see, e.g., *Specification*, paragraph 0056) . Favorable consideration and approval of new claims 12-17 is respectfully requested.

Since the number of independent claims is now 2, and the number of total claims is 12, no additional claim fees are believed necessary.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the remaining claims, as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/GSAS-26,415 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,

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January 13, 2006